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TAGS: [UNGA](#) [PREL](#) [KJUS](#) [KO](#)  
SUBJECT: GUIDANCE ON KOSOVO INDEPENDENCE/ICJ REFERRAL  
IN THE UNGA

¶1. The Department instructs USUN to vote against the resolution introduced by Serbia to refer a question on Kosovo's declaration of independence to the International Court of Justice, scheduled for debate in the UN General Assembly on October 8. USUN should encourage another country to call the vote; however, USUN is authorized to call the vote if no other country is willing to do so. USUN should draw on the following points in its explanatory statement before the vote, and, as appropriate, during any debate.

¶2. Begin points:

-- Mr. President:

-- After years of war, of post-communist transition and deep hardship and suffering, in election after election, the people of the Balkans, including voters in Kosovo and Serbia, have spoken. They reject the destructive nationalism that brought them such misery in the 1990s. They seek a cooperative and collaborative future for themselves as integrated, prosperous citizens of Europe.

-- Under the leadership of a democratically-elected, multi-ethnic government, the Republic of Kosovo today is at peace. The government in Pristina has scrupulously followed the Comprehensive Proposal for the Kosovo Status Settlement, as developed by the Secretary-General's Special Envoy. It has adopted a far-reaching Constitution and enacted 41 pieces of legislation to implement the Comprehensive Proposal. These include specific provisions that protect the rights of all ethnic minorities as well as Kosovo's unique religious and cultural heritage. Kosovo's government has also acted with vision and restraint in seeking strong relations with all its neighbors, including Serbia.

-- The United States firmly believes that our common concern should be to focus our efforts precisely to help shape such a future. Specifically we are extending economic and political support to both of these countries. We hope they will integrate further into international markets and structures that will guarantee peace and prosperity for all of the region's people.

-- We do not think this resolution advances that goal, nor do we think it appropriate or fair to the Court to ask it to opine on what is essentially a matter -recognition of independence -- that is reserved to the judgment of member states. We ask other members to consider the potential

consequences if some other members were to seek determinations of the legality of their own declarations of independence or if separatist movements in their country were to seize upon language in any opinion the Court might render to bolster their own claims to independence. It is for these reasons that we oppose this referral. If this resolution nonetheless moves forward, we hope that, as a matter of equity, the Court will agree to hear from the states most directly interested in this matter, Serbia and Kosovo, on an equal footing as well of course to hear from the many other states that can be expected to make contributions to the Court's consideration of the case.

-- In conclusion, the United States welcomes and supports the remarkable progress in Kosovo and the region toward building a stable, multiethnic democracy and laying the groundwork for growth and development. The United States also welcomes the elections in Serbia of a President and parliament focused on the country's future and committed to Euro-Atlantic integration. Although we may disagree with Serbia on the issue before us today - both on principle concerning the reservation to member states of determinations concerning independence and on the utility of this step in the current context in the Balkans --, the United States, will work closely with Serbia and all of the countries in South Central Europe to advance our shared vision of a Europe whole, free and at peace.  
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